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*Attorneys for Defendants Brian F. Davis
and Davis Law Group, P.A.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SEAN K. CLAGGETT & ASSOCIATES, LLC
D/B/A CLAGGETT & SYKES LAW FIRM, A
NEVADA LIMITED LIABILITY COMPANY;
SEAN K. CLAGGETT, AN INDIVIDUAL,

Plaintiffs,

V.

DON C. KEENAN, AN INDIVIDUAL; D.C.,
KEENAN & ASSOCIATES, P.A. D/B/A
KEENAN LAW FIRM, A GEORGIA
PROFESSIONAL ASSOCIATION; KEENAN'S
KIDS FOUNDATION, INC., D/B/A KEENAN
TRIAL INSTITUTE AND/OR THE KEENAN
EDGE, A GEORGIA NON-PROFIT
CORPORATION; BRIAN F. DAVIS, AN
INDIVIDUAL; DAVIS LAW GROUP, P.A., A
NORTH CAROLINA PROFESSIONAL
ASSOCIATION; DAVID J. HOEY, AN
INDIVIDUAL; TRAVIS E. SHETLER, AN
INDIVIDUAL; WILLIAM ENTREKIN, AN
INDIVIDUAL; DOES I-X; AND ROE
BUSINESS ENTITIES XI-XX, INCLUSIVE,

Defendants.

Case No. 2:21-cv-02237

**STATEMENT REGARDING
REMOVED ACTION**

Defendants Brian F. Davis (“Mr. Davis”) and Davis Law Group, P.A. (“Davis Law Group” collectively referred to with Mr. Davis as “Davis Defendants”), by and through their counsel of record, Mark J. Connot and John M. Orr of the law firm Fox Rothschild LLP, hereby files the instant Statement Regarding Removed Action in response to this Court’s minute order dated December 22, 2021 (ECF No. 4).

1. The date on which you were served with a copy of the complaint.

Defendants Brian F. Davis and Davis Law Group, P.A. were served with a copy of the complaint on December 1, 2021.

2. The date on which you were served with a copy of the summons.

Defendants Brian F. Davis and Davis Law Group, P.A. were served with a copy of the summons on December 1, 2021.

3. In removals based on diversity jurisdiction, the names of any served defendants who are citizens of Nevada, the citizenship of the other parties, and a summary of defendant’s evidence of the amount in controversy.

Defendant Travis E. Shetler is a citizen of Clark County, Nevada.¹ Defendant Don Keenan (“Mr. Keenan”) is a resident of Walton County, Florida. Compl. ¶ 4. Defendant D.C. Keenan & Associates P.A. dba Keenan Law Firm is a professional association organized under the laws of Georgia. *Id.* ¶ 5. Defendant Keenan’s Kids Foundation, Inc. dba Keenan Trial Institute is a non-profit corporation organized and existing under the laws of the State of Georgia. *Id.* Defendant David J. Hoey is a resident of Middlesex, Massachusetts. *Id.* ¶ 9. Defendant William Entrekin is a resident of Lumpkin County, Georgia. *Id.* ¶ 11. Plaintiff Sean Claggett is a resident of Clark County, Nevada. *Id.* ¶ 3. Plaintiff Sean K. Claggett & Associates LLC dba Claggett & Sykes Law Firm (“Claggett & Sykes”) is a limited liability company existing under the laws of Nevada. *Id.* ¶ 2.

Plaintiffs have asserted claims against the Davis Defendants for intentional interference

¹ Defendants Petition for Removal (ECF No. 1) maintains that Plaintiffs fraudulently joined Mr. Shetler and that his citizenship should be disregarded for purposes of diversity jurisdiction.

with contractual relations and civil conspiracy. The thrust of Plaintiffs' claim against the Davis Defendants is that they conspired with other defendants in this action to have Claggett & Sykes fired as counsel for Logan Erne, the plaintiff in a medical malpractice lawsuit filed in the Clark County, Nevada Eighth Judicial Court on April 25, 2018, styled *Logan Erne v. Margaret Williams LCPC et al*, Case. No. A-18-773499-C (the "Erne Matter"). Plaintiffs claimed damages include, but may not be limited to, the reputational harm to Mr. Claggett and Claggett & Sykes and the contingent fees and costs that could be potentially recovered by the Plaintiffs in the Erne Matter. Plaintiffs filed a Notice of Attorney's lien in the Erne Matter, asserting a lien for \$288,512.06, which includes \$158,264.46 in alleged costs. Notice of Attorney's Lien, attached hereto as **Exhibit "A."**

4. If your notice of removal was filed more than 30 days after you first received a copy of the summons and complaint, the reason the removal has taken place at this time and the date you first received a paper identifying the basis for removal.

Not applicable

5. In actions removed on the basis of the court's jurisdiction in which the state court action was commenced more than one year before the date of removal, the reasons the action should not summarily be remanded to the state court.

Not applicable

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1 6. **The name of any defendant known to have been served before you filed the**
2 **notice of removal who did not formally join in the notice of removal and the**
3 **reasons they did not.**

4 Not applicable.

5 Dated this 6th of January 2022.

6 **FOX ROTHSCHILD LLP**

7 /s/ Mark J. Connot

8 MARK J. CONNOT (10010)

9 JOHN M. ORR (14251)

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16 Attorneys for Defendants Brian F. Davis
17 and Davis Law Group, P.A.

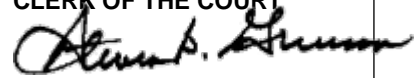
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Fox Rothschild LLP, and that on the 6th day of January 2022, and pursuant to FRCP 5(b), a copy of the foregoing **STATEMENT REGARDING REMOVED ACTION** was served via the Court's electronic filing system to the parties listed below:

Jared B. Anderson, Esq.
David J. Churchill, Esq.
Injury Lawyers of Nevada
4001 Meadows Lane
Las Vegas, Nevada 89107
Tel: 702-868-8888
jared@injurylawyersnv.com
david@injurylawyersnv.com
Attorneys for Plaintiffs

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP

EXHIBIT A

**LIEN**

Sean K. Claggett, Esq.
Nevada Bar No. 008407
Jennifer Morales, Esq.
Nevada Bar No. 008829
CLAGGETT & SYKES LAW FIRM
4101 Meadows Lane, Suite 100
Las Vegas, Nevada 89107
(702) 655-2346 – Telephone
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sclaggett@claggettlaw.com
jmorales@claggettlaw.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LOGAN ERNE, an Individual,

Plaintiff,

v.

CASE NO.: A-18-773499-C

DEPT NO.: III

MARGARET WILLIAMS, LCPC an Individual;
MARILYN S. ABEL, CPC, an Individual;
ANTHONY QUINN, M.D., an Individual,
BRANDON PAYZANT, PAC, PHC OF
NEVADA, INC. DBA HARMONY
HEALTHCARE, a foreign corporation; and
SUMMERLIN HOSPITAL & MEDICAL
CENTER LLC, a limited liability company.;
DOES I through X; ROE BUSINESS ENTITIES
XI through XX, inclusive,

Defendants.

NOTICE OF ATTORNEY'S LIEN

NOTICE IS HEREBY GIVEN that CLAGGETT & SYKES LAW FIRM claims a lien for its services upon the claims for relief on behalf of LOGAN ERNE, and any successor and/or predecessor plaintiff in the above-referenced litigation, against any person, entity or insurance company legally liable for damages as a result of the incident occurring on April 26, 2017, that is now the subject of this lawsuit.

Claggett & Sykes Law Firm claims a lien and upon any and all property or gross amounts recovered (the recovery) that may become available on behalf of LOGAN ERNE and any successor and/or predecessor plaintiff in the above-referenced litigation:

CLAGGETT & SYKES LAW FIRM
4101 Meadows Lane, Suite 100
Las Vegas, Nevada 89107
702-655-2346 • Fax 702-655-3763

Jennifer Morales, Esq.	97.20 hours/\$72,900.00
Shannon L. Wise, Esq.	69.70 hours/\$27,880.00
Samuel Harding, Esq.	23.05 hours/\$17,287.50
Moises Garcia	32.50 hours/\$4,875.00
Jocelyn Abrego	48.70 hours/\$7,305.00
Total:	271.15 hours/\$130,247.50

Claggett & Sykes Law Firm asserts a lien for attorney fees in the amount of **\$130,247.50**.

Claggett & Sykes Law Firm also asserts a lien against LOGAN ERNE for all reasonable case costs advanced and incurred on behalf of the plaintiff in the amount of **\$158,264.56**

Accordingly, Claggett & Sykes Law Firm asserts a total lien in this matter of **\$288,512.06** for attorney fees and costs.

DATED this 16th day of February 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Sean K. Claggett

Sean K. Claggett, Esq.
Nevada Bar No. 008407
Jennifer Morales, Esq.
Nevada Bar No. 008829
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on the 16th day of February 2021, I caused to be served a true and correct copy of the **NOTICE OF ATTORNEY'S LIEN** in the above-captioned case via the following methods pursuant to Rule 9 of the N.E.F.C.R. and N.R.C.P. 5:

<p>Robert C. McBride, Esq. Gerald Tan, Esq. CARROLL KELLY TROTTER FRANZEN MCBRIDE & PEABODY 8329 W. Sunset Road, Suite 260 Las Vegas, NV 89113 <i>Attorneys for Defendant Anthony Quinn, M.D.</i></p>	<p>Travis E. Shetler, Esq. LAW OFFICES OF TRAVIS E. SHETLER 3202 W. Charleston Blvd Las Vegas, NV 8902 <i>Attorneys for Plaintiff</i></p>
<p>S. Brent Vogel, Esq. LEWIS BRISBOIS BISGAARD & SMITH, LLP 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89118 <i>Attorneys for Defendants Margaret Williams, LCPC, Marilyn S. Abel, CPC, Brandon Payzant, PAC and PHC of Nevada, Inc., dba Harmony Healthcare.</i></p>	<p>Brian F. Davis, Esq. DAVIS LAW GROUP, PA 135 Cherry Street, N Asheville, NC 28801 <i>Attorneys for Plaintiff</i></p>
<p>Michael J. Shannon, Esq. Brittany A. Lewis, Esq. HALL PRANGLE & SCHOONVELD, LLC. 1140 North Town Center Drive, Ste. 350 Las Vegas, Nevada 89144 <i>Attorneys for Defendant, Summerlin Hospital Medical Center, LLC</i></p>	<p>VIA Regular and Certified Mail Logan Erne 51 Wilmington Street, Ashville, North Carolina 28806 <i>Plaintiff</i></p>
<p>Candance C. Herling, Esq. MESSNER REEVES, LLP 8945 W. Russell Road #300 Las Vegas, NV 89148 <i>Attorneys for Defendant, Summerlin Hospital Medical Center, LLC</i></p>	

/s/ Moises Garcia

An Employee of Claggett & Sykes Law Firm